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the last-named series are devoted respectively to savings banks, to clearing houses, to trust companies and finally to the subject of inspection and examination of banks. At the beginning of each chapter Mr. Magee summarizes succinctly the established principles of law relating to the topics therein discussed, reviewing subsequently the main cases in which such principles were established. Generous quotations are given from the more important decisions, while summaries with adequate references are given when the points involved are not of outstanding significance. In the appendix Mr. Magee reprints the National Bank Act and acts amendatory thereof, as well as parts of U. S. Treasury Department Circular Number 52, which supplies valuable information concerning the bonded indebtedness and the monetary system of the United States. It would have added to the value of Mr. Magee's references to the money system had he indicated clearly the source of his information in this respect. Lastly, reference must be made to the index without which, of course, no book of the kind under review would be a workable tool.

Eugene E. Agger.

Since the first appearance of this edition, Congress has passed the Federal Reserve Act. The publishers have provided for an interpretation of this enactment a supplementary pamphlet, containing the Statute, in which the author of the main work discusses the provisions and powers of the new law as well as he is able without the assistance of judicial construction.—ED.

A TREATISE ON THE LAW OF PUBLIC UTILITIES OPERATING IN CITIES AND TOWNS. By OSCAR L. POND, A.M., LL.B., Ph.D. Indianapolis: THE BOBBS-MERRILL Co. 1913. pp. liv, 954.

The author tells us in the introductory chapter of this work that, while our municipalities are growing very rapidly, the complexity and difficulty of problems connected with municipal public utilities are increasing still more rapidly. This growth, he asserts, led first to the recognition "of a repressive police power whose exercise was found necessary and not inconsistent with constitutional private rights." The exercise of this power not proving entirely adequate to the situation, however, there has developed, he says, "a demand for the municipal ownership and operation of what have come to be known as municipal public utilities, or their adequate regulation or control." "This treatise on the law of municipal public utilities," therefore, "attempts to ascertain both the nature of the municipal corporation as expressed in the law and in the construction which the courts have given to the powers conferred upon the municipality by the State, to discover what limitations are placed on municipal activity by our constitutions, as construed by the courts; and how far the judicial construction of the law with regard to the taxation and sale of municipal public utilities facilitates or impedes the cities in the discharge of these new duties imposed by the ownership, operation or proper regulation and control of municipal public utilities, which they are being called upon to assume; and also to ascertain what are the most efficient methods of regulation and control available to the State or municipality over the operation by private capital of municipal public utilities."

The book first deals with the powers of municipal corporations, classifying such powers as governmental on the one hand, and as

proprietary or commercial on the other, pointing out how the latter are derived expressly or by implication from the municipal charters, showing what sorts of activities these proprietary powers include, and how their exercise may be limited by constitutional limitations of municipal indebtedness. Then the author considers questions having to do with the grant of franchises to private companies, discussing the purposes for which such franchises may be granted, the right to grant exclusive and perpetual franchises, the conditions which may be attached by contract to such grants, and the duty to serve all impartially, which flows from the receipt of such franchises. After this discussion follow chapters dealing with the liability of water-works companies for fire loss, the liability of municipalities for negligence, municipal public utilities as additional servitudes in streets, exemption from taxation of property supplying municipal public utilities, the right to sell property providing such utilities, and the rights of parties on the expiration or forfeiture of franchises. The author devotes half a dozen chapters to rates and their regulation, including the question of valuation of capital, and closes his text with chapters on municipal ownership, municipal bureaus or commissions, and state public utility commissions. In addition to the text there are three appendixes containing the Public Service Commission Law of New York, the Public Utilities Law of Wisconsin, and the Public Utilities Law of Indiana. There are, of course, the usual table of contents, table of cases and index.

The author has adopted an unusual method of presenting his subject-matter, but the reviewer is neither able to commend the effectiveness of this method in the present instance, nor to recommend it for imitation by other authors of law texts. The method adopted is this: Each chapter opens with ten or a dozen sections setting forth argumentatively certain propositions connected with the subject announced in the chapter heading, but without any citation of authorities. These sections are followed by a footnote, generally covering about two pages, containing anywhere from twenty-five to seventy-five cases, classified by jurisdictions, but not in any way classified as to subject-matter. Probably three-fourths of the reading matter in each chapter follows this collection of authorities, and consists almost entirely of long quotations from a selected number of the cases previously cited, which are intended to support the propositions set forth in the earlier part of the chapter. It is apparent that the book is not, as a text book should be, a systematic development of the theory of the law, based at each step upon a critical and analytical study of authorities, but is rather a protracted lawyer's brief, with something of the modern digest feature thrown in. It is submitted that the subject-matter of Mr. Pond's book might have been presented in half the space devoted to it, and with twice its present effectiveness and usefulness, if the ordinary method of text book writing had been adopted.

The critical reader of this work will undoubtedly be disappointed by the loose and sometimes superficial way in which Mr. Pond presents his subject, while he will frequently find that the style of the text makes it difficult for him to follow the author's line of thought. The book is overloaded with long, involved and unwieldy sentences, not infrequently covering half a page. Take for instance this paragraph (§ 231):

"With references to the nature of the duty of public service corporations so well enunciated in the case of *Munn v. People of Illinois*,

94 U. S. 113, 24 L. ed. 77, the fact that the service is rendered to the public subjects it to public regulation and control in the interest of the public and for the benefit of any member thereof which may be especially affected or directly interested. This principle, therefore, is fully applicable to corporations providing municipal public utility services, and the case of *Pond v. New Rochelle Water Co.*, 183 N. Y. 330, 76 N. E. 211, 1 L. R. A. (U. S.) 961, decided in 1906, furnishes an important decision in this connection, for it applies this principle to the matter of providing water service for the purpose of determining the rights of the individual inhabitants, who are or desire to become customers of such service, to secure the same by an action in their own name in accordance with this principle which is best stated in the early case, that has long since become a leading one, of *Lawrence v. Fox*, 20 N. Y. 268."

The reader will notice that his own confusion in this paragraph seems to have been shared by the author, with the result of the bad grammar in the phrase "their own name", near the end of the paragraph. In fact we find a rather frequent confusion of plurals and singulars throughout the book, as for instance, in the last sentence of Section 30, in Section 32, in the last sentence of Section 37, in the last sentence of Section 232, and in the third sentence of Section 350.

There is, however, useful material in Mr. Pond's book, and it is interesting to have the law of public utilities presented with special reference to the rights and powers of the municipality. In fact, any book on public utilities which presents new material, or a new point of view, cannot help being useful and interesting to the legal profession, for comparatively little has, as yet, been written in this field, but it is to be regretted that Mr. Pond did not do a more careful, thorough and analytical piece of work, when he had so free a field before him.

Charles K. Burdick.

THE INDIVIDUAL DELINQUENT. A TEXT-BOOK OF DIAGNOSIS AND PROGNOSIS BY ALL CONCERNED IN UNDERSTANDING OFFENDERS. By WILLIAM HEALY, A.B., M.D. Boston: LITTLE BROWN & COMPANY. 1915. pp. xxv, 830.

The doctor is to be congratulated upon having performed a useful and arduous task. His book is based on the study of a thousand cases undertaken in connection with his work in the Juvenile Court in Chicago, and conducted with unusual ability according to the most modern methods.

In the introduction he states that his object was the search for any "driving forces" to crime and "the ascertainment of the methods and the facts which will help towards the making of practical diagnoses and prognoses," and that his main conclusion is "that every case will always need study by itself. We have come to see that neither we nor other investigators can make such a contribution to the principles of our science as shall ever do away with the necessity for (a) careful personal study of each offender, and (b) testing the value of measures carried out, always by the criteria of future results."

Incidentally he has disposed, finally I trust, of the statement that crime is a disease, that there is a criminal type marked by either physical or psychological stigmata, and that there is, or can be, a